

Lincoln Police Department
Thomas K. Casady, Chief of Police
575 South 10th Street
Lincoln, Nebraska 68508

402-441-7204
fax: 402-441-8492



MAYOR COLEEN J. SENG

lincoln.ne.gov

August 29, 2006

Mayor Seng and City Council
City of Lincoln
City County Building
Lincoln, NE

Mayor Seng and Members of the City Council:

An investigation has been made regarding the application of Down the Hatch, 5601 NW 1st Street requesting a class I liquor license.

This location was previously known as Past Time Pub which held a liquor license

Lindsay Kroger, owner has requested that she be approved as the manager of the liquor license.

Background information on the applicant is as follows:

Lindsay Kroger was born in Sioux City, Iowa. She attended Southeast Community College graduating in 2003.

Lindsay Kroger employment history is as follows:

Present	Owner, Down the Hatch	Lincoln, NE.
2004 - 2006	Secretary, SECC	Lincoln, NE.
2003 - 2006	Salesperson, Home Real Estate	Lincoln, NE.
2002 - 2003	Assistant, Quality Mortgage	Lincoln, NE.
2000 - 2002	Secretary, Neuco Mortgage	Lincoln, NE.

If this application is approved, it should be with the understanding that it conforms to all the rules and regulations of Lincoln, Lancaster County and the State of Nebraska.


THOMAS K. CASADY, Chief of Police



A nationally accredited law enforcement agency



Liquor License Business Report

Completed by Inv. Fosler #843

Business Name: DOWN The HATCH

Address : 5601 NW 1ST Phone: 499-4548

Type of Investigation : Purchase Upgrade Expansion New
Owner Manager Other: _____

Type of Business: BAR

Liquor Class A B C D I J K Catering Other: _____

Ownership: Corporation Partnership Individual

Amount Financed: \$70,000 Source: Father 50,000 1ST NEBR BANK 20,000

Lease Agreement: 10yr STARTING 9 \$4900 mo

Sales: %Food: 40 %Liquor: 60

Located: Commercial Industrial Residential

Traffic Flow: moderate Off Street Parking: Yes No

Ready for Operation: Yes No/ Est Date: _____

Food Service: Yes No Employees: F/T 1 P/T 21

Est Seating: 195 Est Daily Customers 150

Hours of Operation: 11am - 1pm m-sat 11:30 - 0030 sun

Any Additional Comments: _____

Liquor License Investigation

Business (DBA) Down The Hatch

☒ Manager

☒ Owner

Other _____

Name: LINDSAY KROGER

US Citizen ?

☒ Yes

No

Has applicant ever been cited for liquor law violations ? ☒ No

Yes

Explain _____

Does applicant have an interest in another liquor license ? ☒ No

Yes

Explain _____

Is spouse qualified to hold a license ? ☒ Yes

No

N/A

How is applicant if not an owner to be paid ? Salary

Hourly

How many hours will applicant be at the establishment ? 70

Any other employment ? ☒ No Yes, explain _____

Any previous experience with a liquor license? Yes

☒ No

Any criminal convictions ? No ☒ Yes

Comments SEE APPLICATION

Is applicant a property owner in Lincoln ? ☒ Yes

No

Is applicant involved in any civil litigation ? ☒ No

Yes

Comments _____

☒ Photo

☒ Records Check

☒ References

Comments _____

Interview Date 8/29/06



FILED

9-11-06

STATE OF NEBRASKA

Dave Heineman
Governor

AUG 18 2006

CITY CLERK'S OFFICE
LINCOLN, NEBRASKA

NEBRASKA LIQUOR CONTROL COMMISSION

Hobert B. Rupe
Executive Director

301 Centennial Mall South, 5th Floor
P.O. Box 95046

Lincoln, Nebraska 68509-5046

Phone (402) 471-2571

Fax (402) 471-2814

TRS USER 800 833-7352 (TTY)

web address: <http://www.nol.org/home/NLCC/>

August 16, 2006

Lincoln City Clerk
555 S. 10th Street
Lincoln, NE 68508

A6-090206

140

RE: Application for Class I License for Down the Hatch, Inc. DBA Down the Hatch

5601 NW 1st street

Dear Local Governing Body:

Attached is the form to be used on all retail liquor license applications. Local clerks must collect proper license fees and occupation tax per ordinance, if any, before delivering the license at time of issuance.

TWO KEY TIME FRAMES TO KEEP IN MIND ARE:

- 1) Publicize one time no less than 7 days, and no more than 14 days prior to date of hearing.
- 2) You have 45 days to conduct a hearing after the date of receipt of the notice from this Commission (§53-134). You may choose **NOT** to make a recommendation of approval or denial to our Commission.

PER §53-133, THE LIQUOR CONTROL COMMISSION SHALL SET FOR HEARING ANY APPLICATION WHEREIN:

- 1) There is a recommendation of denial from the local governing body.
- 2) A citizens protest; or
- 3) Statutory problems that the Commission discovers.

PLEASE NOTE...A LICENSEE MUST BE PROPERLY LICENSED IN ORDER TO PURCHASE FROM WHOLESALERS; AND, A LICENSE IS EFFECTIVE:

- 1) Upon payment of the license fees;
- 2) Physical possession of the license;
- 3) Effective date on the license.

Sincerely,

NEBRASKA LIQUOR CONTROL COMMISSION

Katie Lanning
Licensing Division
Enclosure
Ronda R. Flower
Commissioner

Bob Logsdon
Chairman

R.L. (Dick) Coyne
Commissioner

74131

LOCALS
CLASS I 74131

LICENSE APPLICATION CHECKLIST

RECEIVED
AUG 11 2006Applicant Name Lindsay Krager Telephone 74131Trade Name Down the Hatch, Inc. Previous Trade Name AUG 11 2006

Provide all the items requested. Failure to provide any item will cause this application to be returned or placed on hold. All documents must be legible. Any falsification of information may result in the denial, suspension, cancellation or revocation of your license. If your operation depends on receiving a liquor license, the Nebraska Liquor Control Commission cautions you that if you purchase, remodel, start construction, spend or commit money that you do so at your own risk. Prior to submitting your application review the application carefully to ensure that all sections are complete, and that any omissions or errors have not been made. All applications & attachments must be submitted in triplicate. You may want to check with the city/village or county clerk, where you are making application, to see if any additional requirements must be met before submitting application to the state.

REQUIRED ATTACHMENTS

Each item must be checked off and included or marked N/A for not applicable.

- ☒ 1. Fingerprint cards for each person (two cards per person) must be enclosed with a separate check payable to the Nebraska State Patrol for processing in the amount of \$38.00 per person. All areas must be completed on cards as per brochure.
- ☒ 2. Enclose registration fee for the appropriate class of license, made out to the Nebraska Liquor Control Commission.
- ☒ 3. Enclose the appropriate application forms; Individual License – Form 1; Partnership License – Form 2; Corporate/LLC License – Form 3 and manager application (with corporate application only). LLC application must include all members.
- ☒ 4. If building is being leased send a copy of the lease. Be sure it is in the individual(s) or corporate name being applied for. Also, the lease must extend through the license year being applied for. If building is owned, send a copy of the deed or purchase agreement in the appropriate name.
- ☒ 5. If you are buying the business of a current licensee, provide a copy of the purchase agreement from licensee. This also needs to be in applicants name.
- ☒ 6. Enclose a copy of the Temporary Agency Agreement, if applicable. Must be on Commission forms only. Include a copy of the signature card from the bank showing both the sellers and buyers name(s) on account.
- ☒ 7. Copy of alcohol inventory being purchased. Inventory shall include brand names and container sizes. Inventory may be taken at the time application is being submitted.

BUS CK 1004-45

Rct #280724

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APPLICATION FOR LIQUOR LICENSE

NEBRASKA LIQUOR CONTROL COMMISSION
301 CENTENNIAL MALL SOUTH
PO BOX 95046
LINCOLN, NE 68509-5046
PHONE: (402) 471-2571
FAX: (402) 471-2814
Website: www.nol.org/home/NLCC/

AUG 11 2006

NEBRASKA LIQUOR
CONTROL COMMISSION

OFFICE USE ONLY

CLASS OF LICENSE FOR WHICH APPLICATION IS MADE AND FEES
CHECK DESIRED CLASS(S)

RETAIL LICENSE(S)

<input type="checkbox"/>	A	Beer, On Sale Only	\$45.00
<input type="checkbox"/>	B	Beer, Off Sale Only	\$45.00
<input type="checkbox"/>	C	Beer, Wine & Distilled Spirits, On & Off Sale	\$45.00
<input type="checkbox"/>	D	Beer, Wine & Distilled Spirits, Off Sale Only	\$45.00
<input checked="" type="checkbox"/>	I	Beer, Wine & Distilled Spirits, On Sale Only	\$45.00

Class K Catering license may be added to any of these classes with an additional fee of \$100.00 and filing form 35-4202

MISCELLANEOUS

			Bond
<input type="checkbox"/>	L	Craft Brewery (Brew Pub)	\$295.00 1,000 min.
<input type="checkbox"/>	O	Boat	\$ 95.00 N/A
<input type="checkbox"/>	V	Manufacturer, Beer, Wine & Distilled Spirits (additional fee of \$100 to \$1,000-call for exact amount)	\$ 45.00 10,000 min.
<input type="checkbox"/>	W	Wholesale Beer	\$545.00 5,000
<input type="checkbox"/>	X	Wholesale Liquor	\$795.00 5,000
<input type="checkbox"/>	Y	Farm Winery	\$295.00 1,000

All Class C licenses expire October 31st

All other licenses expire April 30th

Catering expire same as underlying retail license

TYPE OF APPLICATION BEING APPLIED FOR (CHECK ONE)

- ☐ Individual License, requires insert form 1
☐ Partnership License, requires insert form 2
☒ Corporate License, requires insert form 3a and manager application 3b

NAME OF PERSON OR FIRM ASSISTING WITH APPLICATION

(Commission will call this person with any questions we may have)

Name: _____ Phone: _____

Firm Name: _____

Firm address: _____

PREMISE INFORMATION

Trade Name (doing business as) Down the Hatch

Street Address #1 5601 NW 1st

Street Address #2 Box 8

City Lincoln County Lancaster

Zip Code 68521

Telephone number at premise to be licensed 402-476-6700

Is this location inside the city/village corporate limits: ☒ YES ☐ NO

Mail to Address (where you want receipt of Liquor Control Commission mailings)

Name: Lindsay Krager

Street Address #1 11901 N. 79th

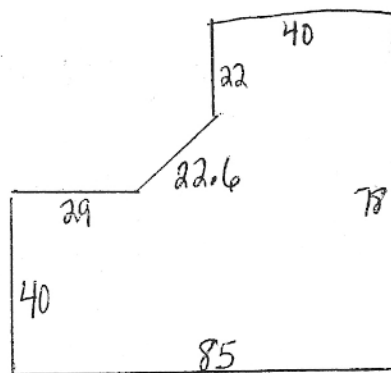
Street Address #2

City Lincoln County Lancaster

Zip Code 68517

DESCRIPTION AND DIAGRAM OF THE STRUCTURE TO BE LICENSED

In the space provided or on an attachment draw the area to be licensed. This should include storage areas, basement, sales areas and areas where consumption or sales of alcohol will take place. If only a portion of the building is to be covered by the license, you must still include dimensions (length x width) of the licensed area as well as the dimensions of the entire building in situations . No blue prints please. Be sure to indicate the direction north and number of floors of the building.



W N E
S

1 Floor

One story irregular shaped bldg.
Approx. 85' x 78'

APPLICANT INFORMATION

1. READ CAREFULLY. ANSWER COMPLETELY AND ACCURATELY.

Has anyone who is a party to this application, or their spouse, EVER been convicted of or plead guilty to any charge. Charge means any charge alleging a felony, misdemeanor, violation of a federal or state law; a violation of a local law, ordinance or resolution. List the nature of the charge, where the charge occurred and the year and month of the conviction or plea. Also list any charges pending at the time of this application. If more than one party, please list charges by each individual's name.

☒ Yes If yes, please explain below or attach a separate page.
☐ No

Lindsay Krager No alcohol involved
8-2001 Motor Vehicle Homicide - Lincoln, NE - Took Diversion
10-2001 Littering - Lincoln, NE Classes
5-2002 Speeding Ticket - Lincoln NE
6-1998 DUI - Lyons, NE
5-2000 MIP - Sloan, IA
Eric Krager
On Attached Page

2. Are you buying the business and/or assets of a licensee? If yes, submit a copy of the sales agreement with a listing of assets being acquired including liquor inventory (name brand and container size required). Liquor Inventory may be taken at time of application being submitted.

☒ Yes
Current business name and license number Pastime Pub C50595
☐ No

3. Are you filing a temporary agency agreement, Commission form 4231, whereby current licensee allows you to operate on their license. If yes, attach agreement. **Please note:** This agreement is not effective until Commissions assigns you a 3-digit ID number.

☒ Yes
☐ No

4. Are you borrowing any money from any source to establish and/or operate the business? If yes, list the lender.

☒ Yes First Nebraska Bank -
☐ No

5. Will any person or entity other than applicant be entitled to a share of the profits of this business? If yes, explain. All involved members must be disclosed on application.

☒ Yes
☐ No

Lynn Kellogg - Listed on Form 3a

6. Will any of the furniture, fixtures and equipment to be used in this business be owned by others? If yes, list such items and the owner.

☒ Yes
☐ No

Games (Pool Table, Dart Board, MegaTouch, Golden Tee) - VVS
Dishwasher - EccoLab

7. Will any person(s) other than named in this application have any direct or indirect ownership or control of the business? If yes, explain? (No silent partners)

☐ Yes
☒ No

8. Are the premises to be licensed within 150 ft of a church, school, hospital, home for the aged or indigent persons or for veterans, their wives, children, or within 300 ft of a college or university campus? If yes, list the name of such institution and where it is located in relation to the premises. Neb. Rev. Stat. 53-177.

☐ Yes
☒ No

9. Is anyone listed on this application a law enforcement officer? If yes, list the person, the law enforcement agency involved and the person's exact duties.

☐ Yes
☒ No

10. List the primary bank and/or financial institution (branch if applicable) to be utilized by the business and the individual(s) who will be authorized to write checks and/or make withdrawals on accounts at the institutions.

US Bank - 2640 Ticonderoga
Lindsay Krager, Eric Krager

11. List all past and present liquor licenses held in Nebraska or any other state by any person named in this application. Include license holder name, location of license and license number. Also list reasons for termination of any licenses previously held.

NONE

12. List the person who will be the on site supervisor of the business and the estimated number of hours per week such person or manager will be on the premises supervising operations.

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Lindsay Kroger - 60 hrs/week

13. List the training or experience (when and where) of the person(s) who have in connection with selling and/or serving alcohol products.

NEBRASKA LIQUOR
CONTROL COMMISSION

Pop-n-Doc's Restaurant - Server 2000-2002

14. If the property for which this license is sought is owned, submit a copy of the deed, or proof of ownership. If leased, submit a copy of the lease covering the entire license year. Documents must show title or lease held in name of applicant as owner or lessee in the individual(s) or corporate name for which the application is being filed.

☒ Lease: expiration date November 30, 2010
☐ Deed
☐ Purchase Agreement

15. When do you intend to open for business? August 17, 2006

16. What will be the main nature of business? What are the anticipated hours of operation? Bar & Grill Monday thru Saturday 11:00am to 1:00am
Sunday 11:30am to 1:00am

17. List the principal residence(s) for the past 10 years for all persons required to sign application, including spouses. If necessary attach a separate sheet.

Applicant Name	From: Year	To: Year	City/State
Lindsay Kroger	2000	present	Lincoln, NE
Lindsay Kroger	1982	2000	Deatur, NE
Eric Kroger	2000	present	Lincoln, NE
Eric Kroger	1998	2000	Omaha, NE
Eric Kroger	1997	1998	Lyons, NE
Eric Kroger	1993	1997	Lincoln, NE

The undersigned applicant(s) hereby consent(s) to a background investigation and release present & future records of every kind and description including police records, tax records (State and Federal), bank or lending institution records, and said applicant(s) and spouse(s) waive(s) any right or causes of action that said applicant(s) or spouse(s) may have against the Nebraska Liquor Control Commission, the Nebraska State Patrol, and any other individual disclosing or releasing said information. Any documents or records for the proposed business or for any partner or stockholder that are needed in furtherance

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of the application investigation or any other investigation shall be supplied immediately upon demand to the Nebraska Liquor Control Commission or the Nebraska State Patrol. The undersigned understand and acknowledge that any license issued, based on the information submitted in this application, is subject to cancellation if the information contained herein is incomplete, inaccurate or fraudulent.

Individual applicants agree to supervise in person the management and operation of the business and that they will operate the business authorized by the license for themselves and not as an agent for any other person or entity. Corporate applicants agree the approved manager will superintend in person the management and operation of the business. Partnership applicants agree one partner shall superintend the management and operation of the business. All applicants agree to operate the licensed business within all applicable laws, rules, regulations, and ordinances and to cooperate fully with any authorized agent of the Nebraska Liquor Control Commission.

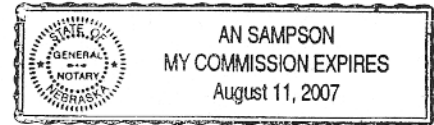
Must be signed in the presence of a notary public by applicant(s) and spouse(s). If partnership or LLC (Limited Liability Company), all partners, members and spouses must sign. If corporation all officers, directors, stockholders (holding over 25% of stock) and spouses. Full (birth) names only, no initials.

<u>Lindsay Kroger</u> (sign here)	<u>Erik Kroger</u> (sign here)
<u>Lindsay Ann Kroger</u> (sign here)	<u>Erik James Kroger</u> (sign here)
_____ (sign here)	_____ (sign here)
_____ (sign here)	_____ (sign here)
_____ (sign here)	_____ (sign here)

* Notary Public Signature & Seal
Subscribed in my presence and sworn to before me this

* Date

11 day of Aug, 2006
[Signature]
Notary Public Signature & Seal



In compliance with the ADA, this application for license form is available in other formats for persons with disabilities. A ten day advance period is requested in writing to produce the alternate format.

of the application investigation or any other investigation shall be supplied immediately upon demand to the Nebraska Liquor Control Commission or the Nebraska State Patrol. The undersigned understand and acknowledge that any license issued, based on the information submitted in this application, is subject to cancellation if the information contained herein is incomplete, inaccurate or fraudulent.

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Must be signed in the presence of a notary public by applicant(s) and spouse(s). If partnership or LLC (Limited Liability Company), all partners, members and spouses must sign. If corporation all officers, directors, stockholders (holding over 25% of stock) and spouses. Full (birth) names only, no initials.

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NEBRASKA LIQUOR
CONTROL COMMISSION

(sign here)

(sign here)

(sign here)

(sign here)

(sign here)

(sign here)

(sign here)

(sign here)

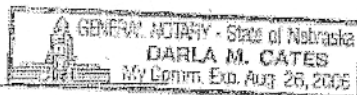
(sign here)

(sign here)

Subscribed in my presence and sworn to before me this

14 day of August, 2006

Darla M. Cates



Notary Public Signature & Seal

In compliance with the ADA, this application for license form is available in other formats for persons with disabilities. A ten day advance period is requested in writing to produce the alternate format.

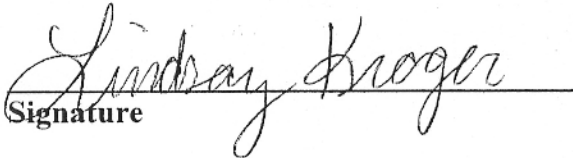
FORM 35-4010

REV. 4/06

- ☒ 8. Enclose a list of any inventory or property owned by other parties that are on the premise.
- ☒ 9. For Individual and Partnership applications enclose proof of citizenship, birth certificates, or naturalization documents for all persons listed on application. Documents must be a certificate from the State, where born, not hospital certificate.
- ☒ 10. If a corporation enclose a copy of the articles of incorporation. This document must show receipt (barcode) by the Secretary of States Office.

When you have completed this checklist, the application form(s) and attached a the required documents, in triplicate, submit them to: **Nebraska Liquor Control Commission, 301 Centennial Mall South, PO Box 95046, Lincoln, NE 68509-5046**

I acknowledge that this application is not a guarantee that a liquor license will be issued to me, and that the average processing period is 45-60 days. Furthermore, I understand that all the information is truthful and I accept all responsibility for any false documents.


Signature

Eric Kroger

Criminal Record

XXXX

9-1997 DUI

6-1996 Speeding 6-10 miles over

10-1996 Following to close

3-2003 Violate Motor Carrier Reg.

1-2004 Speeding 16-20 miles over

10-2004 Speeding 11-15 miles over

12-1999 Speeding 11-15 miles over

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**NEBRASKA LIQUOR
CONTROL COMMISSION**

#6

Equipment not owned by Down the Hatch, Inc.

Pool Table, Golden Tee, Dart Board, Mega Touch, and Juke Box – all owned by VVS

Dishwasher – leased from Eccolab

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NEBRASKA LIQUOR
CONTROL COMMISSION

**APPLICATION FOR LIQUOR LICENSE
CORPORATION/LLC INSERT - FORM 3a**

NEBRASKA LIQUOR CONTROL COMMISSION
301 CENTENNIAL MALL SOUTH
PO BOX 95046
LINCOLN, NE 68509-5046
PHONE: (402) 471-2571
FAX: (402) 471-2814
Website: www.nol.org/home/NLCC

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**NEBRASKA LIQUOR
CONTROL COMMISSION**

Name of Corporation or Limited Liability Company that will hold license. Attach copy of Articles of Incorporation. (Document must show [barcode] receipt by Secretary of States Office.

Down the Hatch, Inc.

Corporate Street Address: 5601 NW 1st St.

City: Lincoln State: NE Zip Code: 68521

Corporate Telephone Number 402-499-4548

Total number of shares issued (if corporation) 1,000

Is this a Non Profit Corporation? ☐ YES ☒ NO

If yes, what is your Federal ID #?

Name of Registered Agent

Rodney K. Vincent

Name of Proposed Manager

Lindsay Kroger

This person must complete form 35-4013

List name of Chief Executive Officer

Last Name: Kroger First Name: Lindsay MI A

Address Street 11901 N. 79th St. City Lincoln

State NE Zip Code 68517 Home Phone number 402-467-2879

Social Security Number _____ Date of Birth _____

**APPLICATION FOR LIQUOR LICENSE
CORPORATION MANAGER - FORM 3b
*MUST BE A NEBRASKA RESIDENT***

301 CENTENNIAL MALL SOUTH
PO BOX 95046
LINCOLN, NE 68509-5046
PHONE: (402) 471-2571
FAX: (402) 471-2814
Website: www.nol.org/home/NLCC/

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**NEBRASKA LIQUOR
CONTROL COMMISSION**

LIQUOR LICENSE INFORMATION

NAME OF LICENSED CORPORATION Down the Hatch, Inc.
CLASS & LICENSE NUMBER N/A
TRADE NAME Down the Hatch
STREET ADDRESS 5601 NW 1st St. CITY Lincoln

Lindsay Kroger
SIGNATURE OF CORPORATION PRESIDENT/CEO

APPLICANT INFORMATION (MUST BE 21 OR OVER AND NEBRASKA RESIDENT)

NAME Lindsay Kroger
ADDRESS 11901 N. 79th
CITY Lincoln STATE NE ZIP CODE 68517
HOME PHONE NUMBER 402-467-2879 BUSINESS PHONE NUMBER 402-499-4548
SEX ☐ MALE ☒ FEMALE SOCIAL SECURITY NUMBER _____
DATE OF BIRTH _____ PLACE OF BIRTH Sioux City, IA
DRIVERS LICENSE NUMBER & STATE _____ NE

SPOUSES INFORMATION (IF NOT MARRIED INDICATE)

SPOUSE NAME Eric Kroger
SOCIAL SECURITY NUMBER _____ DATE OF BIRTH _____
DRIVERS LICENSE NUMBER & STATE _____ NE

**PERSONAL OATH AND CONSENT OF INVESTIGATION
MUST BE SIGNED BY APPLICANT & SPOUSE**

The above individual(s), being first duly sworn upon oath, deposes and states that the undersigned is the applicant and/or spouse of applicant who makes the above and foregoing application, that said application has been read and that the contents thereof and all statements contained therein are true. If any false statement is made in any part of this application, the applicant(s) shall be deemed guilty of perjury and subject to penalties provided by law. (Sec. §53-131.01) Nebraska Liquor Control Act.

The undersigned applicant hereby consents to an investigation of his/her background including all records of every kind and description including police records, tax records (State and Federal), and bank or lending institution records, and said applicant and spouse waive any rights or causes of action that said applicant or spouse may have against the Nebraska Liquor Control Commission and any other individual disclosing or releasing said information to the Nebraska Liquor Control Commission. If spouse has **NO** interest directly or indirectly, an affidavit of non participation may be attached.

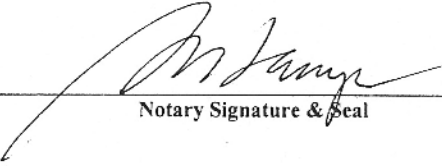
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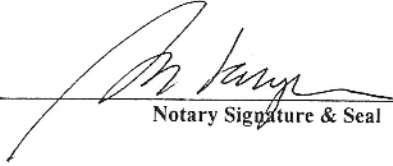

Signature of Applicant


Signature of Spouse

Subscribed in my presence and sworn to before me this 8-11-2006
day of _____.

Subscribed in my presence and sworn to before me this 8-11-2006
day of _____.


Notary Signature & Seal


Notary Signature & Seal

